UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
BHATIA, AJAY M

ART UNIT	PAPER NUMBER
2145	

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/077,407	JAYAPALAN ET AL.
	Examiner	Art Unit	
	Ajay M. Bhatia	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>08 December 2005</u>.

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-20</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-20</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

Claim Rejections - 35 USC § 112

Response to Arguments

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection. Applicant has filed an RCE 12/8/2005. Applicant has amended claim 1,9, 12, 15, and 18.

In response to applicant's argument that "such that the duplicate negotiations are avoided between the two peers", a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 8 and 14 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Rejected claim(s) do not clearly define the claimed invention as a tangible embodiment therefore claim(s) are non-statutory. MPEP § 2105, states that an article of manufacture must be made from raw materials. Applicant may wish to include the limitation "tangible computer readable medium" to over come this rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lioy (U.S.

Patent 6,775,553).

For claim 1, Lioy teaches, in a communication system comprising at least two peers that

communicate with each other across an intermediate network comprising at least one

infrastructure element, a method for an infrastructure element of the at least one

infrastructure element to establish communications between two peers of the at least

two peers, the method comprising:

monitoring at least a portion of messages exchanged between the two peers for

control messages;

storing at least some parameters corresponding to the control messages

exchanged between the two peers to provide stored parameters;

detecting occurrence of retransmission of a control message from one of the two

peers, wherein the retransmission of the control message will lead to duplicate

negotiations between the two peers; and

processing the retransmission of the control message based on the stored

parameters such that the duplicate negotiations are avoided between the two peers.

(see Lioy, Col. 5 line 62 to Col. 6 line 30)

Lioy fails to clearly disclose, and sending a valid proxy response

Proxy server is compatible with Lioy because Lioy allows for a switching system in Col.

1 line 50

It would have been obvious to on of ordinary skill in the art at the time of the

invention was made to combine sending a valid proxy response and with the system of

Lioy, because allows for a switching system which a proxy is. (Col. 1 line 50)

For claim 2, Lioy teaches, the method of claim 1, wherein the control messages

comprise point-to-point protocol control messages. (see Lioy, Col. 5 line 62 to Col. 6 line

30, IPCP is a PPP)

For claim 3, Lioy teaches, the method of claim 1, wherein the communication system

comprises a wireless communication system, the at least two peers comprising at least

one wireless communication unit in communication with at least one interworking unit

via the intermediate network, and wherein the control message is sent from a wireless

communication unit of the at least one wireless communication unit. (see Lioy, Col. 5 line 62 to Col. 6 line 30, Figure 1)

For claim 4, Lioy teaches, the method of claim 1, wherein the communication system comprises a wireless communication system, the at least two peers comprising at least one wireless communication unit in communication with at least one interworking unit via the intermediate network, and wherein the control message is sent from an interworking unit of the at least one interworking unit. (see Lioy, Col. 5 line 62 to Col. 6 line 30, Figure 1)

For claim 5, Lioy teaches, the method of claim 1, wherein processing of the retransmission of the control message further comprises discarding the retransmission of the control message. (see Lioy, Col. 5 line 62 to Col. 6 line 30, Figure 3A)

For claim 6, Lioy teaches, the method of claim 1, wherein processing of the retransmission of the control message further comprises generation of a valid proxy response based on the stored parameters. (see Lioy, Col. 5 line 62 to Col. 6 line 30, Col. 6 lines 37-52, Figure 3A) The same motivation that was utilized in the rejection of claim 1, applies equally as well to claim 6.

For claim 7, Lioy teaches, the method claim 1, further comprising, prior to detecting the retransmission of the control message:

detecting transmission of data by each of the two peers; and

discarding the stored parameters in response to detecting the transmission of

data by each of the two peers. (see Lioy, Col. 5 line 62 to Col. 6 line 30, Figure 1)

For claim 8, Lioy teaches, a machine-readable medium having stored thereon machine-

executable instructions for carrying out the method of claim 1. (see Lioy, Col. 5 lines 38-

54)

For claim 9. In a communication system comprising at least two peers that

communicate with each other across an intermediate network comprising at least one

infrastructure element, a method for an infrastructure element of the at least one

infrastructure element to establish communications between a first peer and a second

peer of the at least two peers, the method comprising:

receiving, from the first peer, a request control message targeted to the second

peer;

storing parameters from the request control message to provide stored request

control message parameters;

forwarding the request control message to the second peer;

receiving, from the first peer, a retransmission of the request control message

targeted to the second peer; and

processing the retransmission of the request control message and sending a

valid proxy response based on the stored request control message parameters. (see

Lioy, Col. 5 line 62 to Col. 6 line 30, Figure 1) The same motivation that was utilized in

the rejection of claim 1, applies equally as well to claim 9.

For claim 10, Lioy teaches, the method of claim 9, wherein the request control message

and the retransmission of the request control message comprise point-to-point protocol

control messages. (see Lioy, Col. 5 line 62 to Col. 6 line 30, Figure 1, IPCP is a PPP)

For claim 11, Lioy teaches, the method of claim 9, wherein processing of the

retransmission of the control message further comprises discarding the retransmission

of the control message. (see Lioy, Col. 5 line 62 to Col. 6 line 30, Figure 3A)

For claim 12, Lioy teaches, the method of claim 9, wherein processing of the

retransmission of the control message further comprises generation of a valid proxy

response based on the stored request control message parameters. (see Lioy, Col. 5

line 62 to Col. 6 line 30, Col. Col. 6 lines 37-52, Figure 3A) The same motivation that

was utilized in the rejection of claim 1, applies equally as well to claim 12.

For claim 13, Lioy teaches, the method of claim 9, further comprising, prior to receiving

the retransmission of the first request control message:

      detecting transmission of data by each of the first peer and the second peer; and

discarding the stored request control message parameters in response to

detecting the transmission of data by the first peer and the second peer. (see Lioy, Col.

5 line 62 to Col. 6 line 30, Figure 1)

For claim 14, Lioy teaches, a machine-readable medium having stored thereon

machine-executable instructions for carrying out the method of claim 9. (see Lioy, Col. 5

lines 38-54)

For claim 15, Lioy teaches, an apparatus for use in an intermediate network forming a

part of a communication system, the communication system comprising at least two

peers that communicate with each other across the intermediate network, the apparatus

comprising:

at least one processor; and

at least one storage device, coupled to the at least one processor, having stored

thereon instructions that, when executed by the at least one processor, cause the at

least one processor to:

monitor at least a portion of messages exchanged between two peers of the at

least two peers for control messages;

store, in the at least one storage device, at least some parameters corresponding

to the control messages exchanged between the two peers to provide stored

parameters;

detect occurrence of retransmission of a control message from one of the two

peers, wherein the retransmission of the control message will lead to duplicate

negotiations between the two peers; and

process the retransmission of the control message and sending a valid proxy

response based on the stored parameters such that the duplicate negotiations are

avoided between two peers. (see Lioy, Col. 5 line 62 to Col. 6 line 30, Figure 1) The

same motivation that was utilized in the rejection of claim 1, applies equally as well to

claim 15.

For claim 16, Lioy teaches, the apparatus of claim 15, wherein the control messages

comprise point-to-point protocol control messages. (see Lioy, Col. 5 line 62 to Col. 6 line

30, Figure 1, IPCP is a PPP)

For claim 17, Lioy teaches, the apparatus of claim 15, wherein the at least one storage

device further comprises instructions that, when executed by the at least one processor,

cause the at least one processor to:

process the retransmission of the control message by discarding the

retransmission of the control message. (see Lioy, Col. 5 line 62 to Col. 6 line 30, Figure

3A)

For claim 18, Lioy teaches, the apparatus of claim 15, wherein the at least one storage device further comprises instructions that, when executed by the at least one processor, cause the at least one processor to:

process the retransmission of the control message by generating a valid proxy response based on the store parameters. (see Lioy, Col. 5 line 62 to Col. 6 line 30, Col. 6 lines 37-52, Figure 3A) The same motivation that was utilized in the rejection of claim 1, applies equally as well to claim 18.

For claim 19, Lioy teaches, a base station controller embodying the apparatus of claim 15. (see Lioy, Col. 5 line 62 to Col. 6 line 30, Figure 1, object 106)

For claim 20, Lioy teaches, a mobile switching center embodying the apparatus of claim 15. (see Lioy, Col. 5 line 62 to Col. 6 line 30, Figure 1, object 104)

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached UPSTO 892 (if appropriate).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajay M. Bhatia whose telephone number is (571)-272-3906. The examiner can normally be reached on M-F 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jason Cardone can be reached on (571)272-3933. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

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AB